

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA**  
(Alexandria Division)

PETER J. MASSARO,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No.: 1:20-cv-00929
	)	(TSE/TCB)
	)	
FAIRFAX COUNTY,	)	
	)	
Defendant.	)	

**DEFENDANT FAIRFAX COUNTY’S MOTION FOR  
SUMMARY JUDGMENT FILED PURSUANT TO FED. R. CIV. P. 56(a)**

COMES NOW the defendant, Fairfax County (“Fairfax” or “the County”), by counsel, and moves this Court for summary judgment dismissal of all claims with prejudice pursuant to Fed. R. Civ. P. 56(a) for the reasons argued in defendant’s accompanying memorandum, including exhibits on the grounds that:

1. Plaintiff has failed to state a claim against the County for retaliation in violation of Title VII, 42 U.S.C. § 2000e-2;
2. Plaintiff has failed to state a claim for retaliation in violation of 29 U.S.C. § 621, *et. seq.*; and
3. Plaintiff has failed to state a claim for retaliation in violation of his First Amendment Constitutional rights under 42 U.S.C. § 1983.

For these reasons, and as argued in the County’s accompanying memorandum in support, and for any additional reasons as may be argued at hearing of this matter, the defendant moves this Court for entry of an Order granting summary judgment and dismissal with prejudice of all claims set forth in the Second Amended Complaint.

**FAIRFAX COUNTY**

By Counsel

/s/

Julia B. Judkins, VSB No. 22597  
Heather K. Bardot, VSB No. 37269  
Nicole L. Antolic, VSB No. 93038  
BANCROFT, McGAVIN, HORVATH & JUDKINS, P.C.  
9990 Fairfax Boulevard, Suite 400  
Fairfax, Virginia 22030  
Telephone: (703) 385-1000  
Facsimile: (703) 385-1555  
[jjudkins@bmhjlaw.com](mailto:jjudkins@bmhjlaw.com)  
[hbardot@bmhjlaw.com](mailto:hbardot@bmhjlaw.com)  
[nantolic@bmhjlaw.com](mailto:nantolic@bmhjlaw.com)  
*Counsel for Defendant*

**CERTIFICATE OF SERVICE**

I hereby certify that on July 2, 2021, I electronically filed the foregoing pleading with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

Daniel S. Crowley, Esquire, VSB No. 79567  
HANNON LAW GROUP  
333 8<sup>th</sup> Street NE  
Washington, D.C. 20002  
(202) 232-1907 (telephone)  
(202) 232-3704 (facsimile)  
[dcrowley@hannonlawgroup.com](mailto:dcrowley@hannonlawgroup.com)  
*Counsel for Plaintiff*

/s/

Julia B. Judkins, VSB No. 22597  
BANCROFT, McGAVIN, HORVATH  
& JUDKINS, P.C.  
9990 Fairfax Boulevard, Suite 400  
Fairfax, Virginia 22030  
Telephone: (703) 385-1000  
Facsimile: (703) 385-1555  
[jjudkins@bmhjlaw.com](mailto:jjudkins@bmhjlaw.com)  
*Counsel for Defendant*